

STATE OF CALIFORNIA - COUNTY OF FRESNO

SEARCH WARRANT AND AFFIDAVIT

(AFFIDAVIT)

Lewis G. Pipkin, swears under oath that on the basis of the information  
(Name of Affiant)

contained within this Search Warrant and Affidavit and the attached and incorporated Statement of Probable Cause, he/she has probable cause to believe and does believe that the property described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. I declare under penalty of perjury that all information and facts in the statement of probable cause attached herewith are true. Wherefore, affiant requests that this Search Warrant be issued.

[Signature], NIGHT SEARCH REQUESTED: YES( ☐ ) NO ( ☒ )  
(Signature of Affiant)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA, to any sheriff, policeman or peace officer in the County of Fresno: proof by affidavit having been made before me by Lewis G. Pipkin(Name of Affiant) that there is probable cause to believe that the property described herein may be found at the locations set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "x"(s) in that it:

☐ was stolen or embezzled

☒ was used as the means of committing a felony

☒ is possessed by a person with the intent to use it as means of committing public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery.

☒ tends to show that a felony has been committed or that a particular person has committed a felony.

You are therefore commanded to search: between the hours of 7:00 a.m. and 10:00 p.m.

SEE ATTACHMENT "A"

For the following property:

SEE ATTACHMENT "B"

and if you find the same, or any part thereof, to retain it in your custody, subject to the order of the court as provided by law. Given under my hand, and dated this 20th day of February A.D. 2013 at 9:00 A.M./P.M.

[Signature]

Judge of said Court

Attest:

Clerk

HOURY A. SANDERSON  
S72 SEARCH WARR. (REG.)

FSD CASE# 120023218

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B  
RETURN OF SEARCH WARRANT

2 Lewis G. Pipkin, being sworn, says that they conducted a search pursuant to the below described search  
3 warrant:

4 Issuing Magistrate: Houry A. Sanderson

5 Magistrate's Court: Fresno Judicial District.

6 Date of issuance: February 20<sup>th</sup>, 2013

7 Date of Service: February 20<sup>th</sup>, 2013

8 and searched the following location(s): \_

9 1. Cellular Phone, MOBO, IMEI 1 #353562050103181, IMEI 2 #353562050103182, purple in color.

10 2. Cellular Phone, HTC model PB001000, IMEI #HT03WHG00755, black in color.

11 and seized the items\*

12 ( ☐ ) in the attached and incorporated inventory.

13 ( ☒ ) described below:

14 All electronic data or digital information including call histories, images, videos, text messages,  
15 electronic mail, or other electronic or digital communications, whether from primary device or auxiliary  
16 storage device.

17  
18 I further swear that this is a true and detailed account of all the property taken by me pursuant to the  
19 search warrant, and that pursuant to Penal Code Sections 1528 and 1536 this property will be retained in  
20 my custody, subject to the order of this court or of any other court in which the offense in respect to which  
21 the seized property is triable.

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1 [Signature]

2 (Signature of Affiant)

3 Sworn to and subscribed before me this 6th day of March, 2013.

4 SI Sanderson

5 L. Gonzalez, Clerk

6 (Signature of Judge)

7 Judge of the Superior/Municipal Court, \_\_\_\_\_, Judicial District

8 \*List all items seized, including those not specifically listed on the warrant.



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ATTACHMENT "A"

TO MAKE A SEARCH OF THE FOLLOWING:

1. Cellular Phone, MOBO, IMEI 1 #353562050103181, IMEI 2 #353562050103182, purple in color.
2. Cellular Phone, HTC model PB001000, IMEI #HT03WHG00755, black in color.



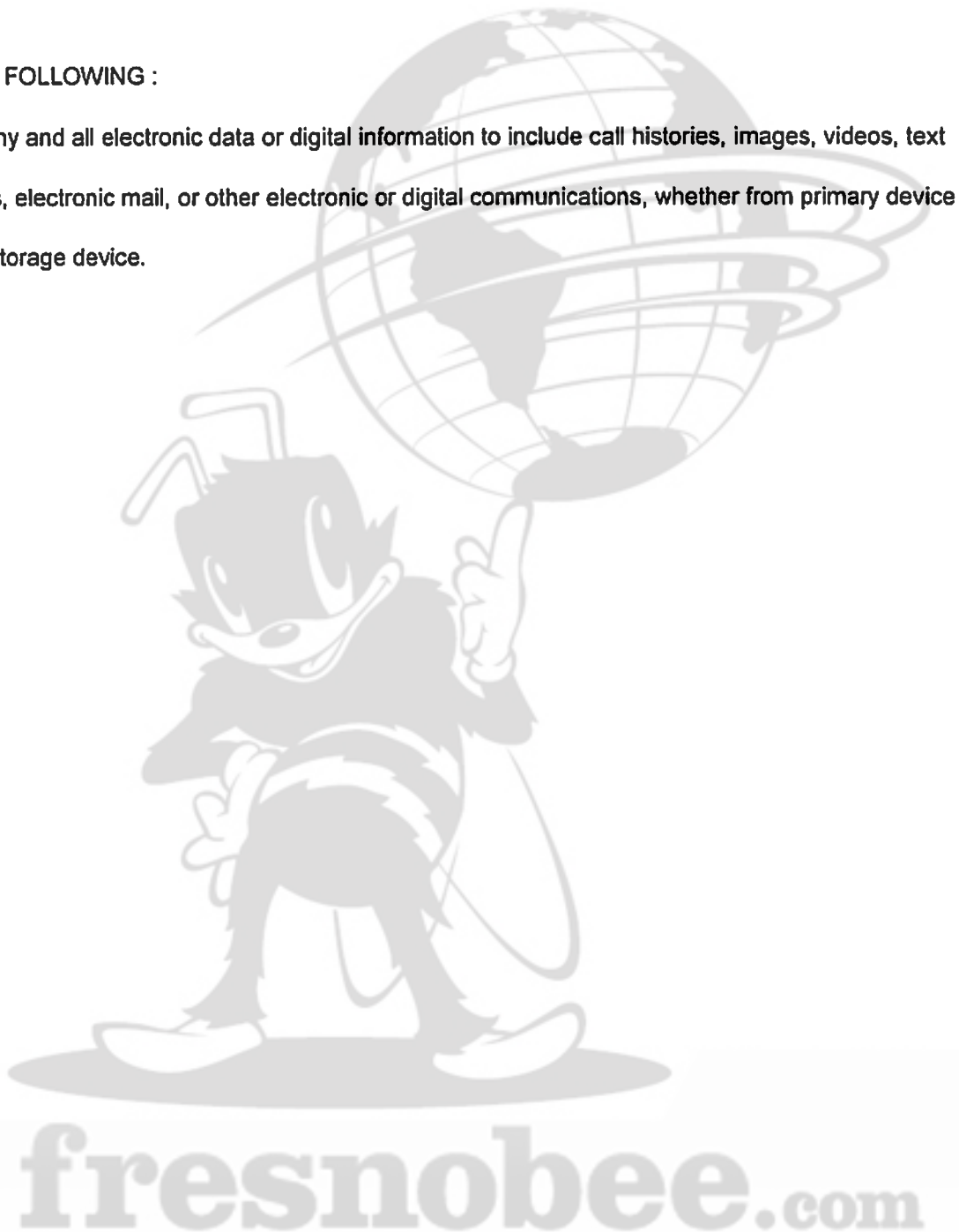
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HS

ATTACHMENT "B"

FOR THE FOLLOWING :

Any and all electronic data or digital information to include call histories, images, videos, text messages, electronic mail, or other electronic or digital communications, whether from primary device or auxiliary storage device.



HAS

1 IN THE SUPERIOR COURT OF THE FRESNO JUDICIAL DISTRICT  
2 COUNTY OF FRESNO, STATE OF CALIFORNIA  
3 )  
4 )  
5 ) ss AFFIDAVIT  
6 )  
7 )  
8 )

9 1. Your Affiant, Detective Lewis G. Pipkin, has been a duly qualified peace officer with the Fresno  
10 County Sheriff's Office since February 21, 2000. Your Affiant is currently assigned to the Fresno County  
11 Sheriff's Office Child Sexual Predator Program, where he is assigned as a Detective. Part of Your  
12 Affiant's responsibilities include, investigating Internet crimes involving child pornography, child sexual  
13 exploitation, and other crimes where a computer and the Internet were utilized.

14 In addition, Your Affiant has worked various assignments with the Fresno County Sheriff's Office  
15 that include patrol, School Resource Officer, Detective with the Fresno County Sheriff's Office Agriculture  
16 Task Force, and as a Department Training Officer.

17 2. In 1997, Your Affiant attended a Basic Police Academy consisting of over nine hundred hours  
18 of training. Since being employed as a full time peace officer, Your Affiant has attended no less than five  
19 hundred hours of P.O.S.T. training, including but not limited to: Basic Criminal Investigation, Search  
20 Warrant Preparation, S.W.A.T. (Specialized Weapons and Tactics), Forensic Statement Analysis,  
21 Advanced Interview and Interrogation Techniques, and Forensic Computer training through the National  
22 White Collar Crime Center and SEARCH Computer forensics Investigation. Your Affiant has conducted  
23 numerous investigations where computers and electronic devices were used as instruments of the crime.  
24  
25

JAS



1 The following facts establish the grounds for the issuance of a search warrant and further to  
2 establish probable cause for believing that said grounds exist.

3  
4 Statement of Probable Cause:

5 On Friday, February 15<sup>th</sup>, 2013, a search warrant was authored by Fresno County Sheriff's  
6 Detective S. Toscano #0633 and was signed at 2015 hrs by the Honorable Superior Court Judge Gary R.  
7 Orozco. The search warrant (Exhibit 1) was for the collection of evidence related to the disappearance of  
8 Spencer Scarber DOB 07/04/82 and a violation of PC32. (See Exhibit 1)

9 On Saturday, February 16<sup>th</sup>, 2013 your Affiant travelled to the Los Angeles International Airport  
10 where he took custody of Spencer Scarber from Deputy U.S. Marshal Frankie J. Sanchez Jr. Scarber  
11 had been taken into custody for outstanding felony warrants related to sex crimes. Prior to transporting  
12 Scarber to Fresno, CA, your Affiant viewed property belonging to Scarber which was removed from his  
13 person upon being taken into custody by Mexican Immigration Officials. Scarber's property contained a  
14 cellular telephone listed in Attachment "A" as item #1, described as a MOBO cellular telephone, bearing  
15 two IMEI numbers, IMEI 1 (#353562050103181) and IMEI 2 (#353562050103182) The telephone is  
16 purple in color.

17 While travelling from Los Angeles to Fresno, Scarber identified the aforementioned cellular  
18 telephone as belonging to him and being the telephone that was removed from his person by Mexican  
19 Immigration Officials. Scarber stated initially that he possessed the cellular telephone for (1) one month  
20 and corrected himself by stating that he possessed it for (2) months. Based on the investigation  
21 conducted by Detective S. Toscano (Exhibit 1) and the correlative time line of Scarbers' fugitive status, it  
22 is believed that evidence of communication between Spencer Scarber and associated family members  
23 will be located on the cellular telephone and support a violation of PC32.

24 The search warrant which was authored by Detective S. Toscano on February, 15<sup>th</sup>, 2013 was  
25 served at [REDACTED] on Saturday, February 16<sup>th</sup>, 2013 at about 0917 hrs. During the  
search warrant service, vehicle keys were located belonging to a 2003 Mitsubishi, bearing CA license

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1 #5CTP467, red in color. The keys were located by Detective L. Swain inside of a purse belonging to Gail  
2 Scarber at the residence. This vehicle showed to be registered to Devon Renee Brown, a.k.a. Devon  
3 Renee Scarber, daughter of Gail Scarber.

4 The vehicle was surveilled by Fresno Sheriff's Detectives on February 15<sup>th</sup>, 2013, and was seen  
5 to be driven by Gail Scarber. The vehicle was driven to an Enterprise Rent A Car, located at 6031 N.  
6 Blackstone Ave, in Fresno CA. While there, Gail Scarber rented a 2012 Toyota Corolla bearing CA lic  
7 #6VOG253, black in color. Detectives viewed Gail Scarber transfer property from the Mitsubishi to the  
8 Toyota prior to leaving the Mitsubishi in the parking lot of a Big O Tires business located at 6053 N.  
9 Blackstone Ave. No contact was made with Gail and the Mitsubishi vehicle for purposes of the necessary  
10 security of the investigation.

11 On February 16<sup>th</sup>, 2013 at about 1547 hrs, the Mitsubishi vehicle was searched pursuant to the  
12 search warrant (Exhibit 1). Inside the center console of the vehicle, a cellular telephone, listed in  
13 Attachment "A" as item #2 was located by Detective E. Mayo. The cellular telephone is described as an  
14 HTC model PB001000, IMEI #HT03WHG00755, black in color.

15 Based on the circumstances and investigation described in Exhibit1 and the aforementioned facts  
16 linking the contents of the Mitsubishi vehicle to Gail Scarber, it is believed that evidence of  
17 communication between Spencer Scarber and associated family members will be located on the cellular  
18 telephone and support a violation of PC32.

19 Based on the aforementioned facts and circumstances, your Affiant has probable cause to  
20 believe that items described in Attachment "B" will be located digitally on Attachment "A". Your Affiant  
21 has reasonable cause to believe that grounds for the issuance of a search warrant exist, as set forth in  
22 Section 1524 of the Penal Code of the State of California, based upon the aforementioned information,  
23 facts and circumstances.

24  
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# EXHIBIT 1

SW No.

## STATE OF CALIFORNIA - COUNTY OF FRESNO SEARCH WARRANT AND AFFIDAVIT (AFFIDAVIT)

Sergio Toscano

(Name of Affiant)

, swear under oath that on the basis of the information contained within this Search Warrant and Affidavit and the attached and incorporated Statement of Probable Cause, have probable cause to believe and do believe that the property described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. We declare under penalty of perjury that all information and facts in the statement of probable cause attached herewith are true. Wherefore, affiants request that this Search Warrant be issued.

*Sergio Toscano*  
Signature of (Affiant)

NIGHT SEARCH REQUESTED: YES ( ) NO (X)

### (SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA, to any sheriff, policeman or peace officer in the County of Fresno: proof by affidavit having been made before me by Sergio Toscano

(Name of Affiant)

that there is probable cause to believe that the property described herein may be found at the locations set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "x"(s) in that it:

   was stolen or embezzled

X was used as the means of committing a felony

   is possessed by a person with the intent to use it as means of committing public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery.

X tends to show that a felony has been committed or that a particular person has committed a felony.

You are therefore commanded to search:

See attachment "A"

for the following property:

See attachment "B"

and if you find the same, or any part thereof, to retain it in your custody, subject to the order of the court as provided by

law. Given under my hand, and dated this 15<sup>th</sup> day of February A.D. 2013 at 8:15 A.M. (P.M.)

Attest:

*Gary R. Orozco*  
Judge of said Court

Clerk

Print Gary R. Orozco

SEARCH WARR. (REG.)

FSO CASE# 12-23218

ATTACHMENT "A"

TO MAKE A SEARCH OF: A single story residence at [REDACTED],  
Squaw Valley in Fresno County, CA. The residence is beige or off white with a  
black/dark composition roof. The residence is located in eastern Fresno County on a

The search is to include all rooms, attics, basements, and all other parts therein  
and surrounding grounds, gardens, garages, storage rooms, trailers or outbuildings of  
any kind, attached or unattached, located on the premises; and vehicles located on the  
premises; and vehicles which may be connected with the residence or residents through  
paperwork, registration and keys.

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ATTACHMENT "B"

**FOR THE FOLLOWING PROPERTY:**

1. Indicia related to Scarber family, Kyle, Gail, Spencer, Sue Reynoso (grandmother)
2. Any purchase receipts, cell phone packages, sim/pre-paid phone cards for cell phones
3. Any and all cellular phones
4. Any money wire transfer receipts
5. Paperwork/documents confirming knowledge of Spencer Scarber's whereabouts
6. Dell laptop computer
7. Any computer system components such as hardware, input/output peripheral and auxiliary devices, related software, storage media, documentation, and data security devices and records, documents, and materials that may contain any of the items listed above in electronic form. (See below for a complete description and explanation).
8. Digital communications devices allowing access to the Internet or to cellular digital networks to include cellular telephones, email devices, and personal digital assistants.
9. Items containing or displaying passwords, access codes, usernames or other identifiers necessary to examine or operate items, software or information seized.
10. Contents of volatile memory related to computers and other digital communication devices that would tend to show the current and recent use of the computer, use of encryption, use of other communications devices, routes of Internet and other digital communications traffic and passwords, encryption keys or other dynamic details necessary to preserve the true state of running evidence.
11. Computer software, hardware or digital contents related to the sharing of Internet access over wired or wireless networks allowing multiple persons to appear on the Internet from the same IP address.

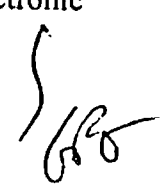
*[Handwritten signature]*



1  
2 The hardware consists of all equipment that can collect, analyze, create, display, convert,  
3 store, conceal or transmit electronic, magnetic, optical, or similar computer impulses or data.  
4 Hardware includes (but not limited to) any data-processing devices (such as central processing  
5 units, memory typewriters, and self-contained "laptop" or "notebook" computers); internal  
6 and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and  
7 diskettes, tape drives and tapes, optical storage devices, and other memory storage devices);  
8 peripheral input/output devices (such as keyboards, printers, scanner, plotters, video display  
9 monitors, and optical reader); and related communication devices (such as modems, cables  
10 and connections, and recording equipment); as well as any devices, mechanisms, or parts that  
11 can be used to restrict access to computer hardware (such as physical keys and locks.)

12 Computer software is digital information that can be interpreted by a computer and any  
13 of its related components to direct the way they work. Software is stored in electronic,  
14 magnetic, optical, or other digital form. It commonly includes programs to run operating  
15 systems, applications (like word-processing, graphics, or spreadsheet programs), utilities,  
16 compilers, interpreters, and communication programs.

17 The terms "records," "documents," and "materials" include all of the foregoing items  
18 of evidence in whatever form or by whatever means such records, documents, or materials,  
19 their drafts, or their modifications may have been created or stored, including (but not limited  
20 to) any handmade form (such as writing, drawing, painting, with any implement on any  
21 surface, directly or indirectly); any photographic form (prints, slides, negatives, videotapes,  
22 photocopies); any electrical, electronic, or magnetic form (such as tape recordings, cassettes,  
23 compact discs, or any information on an electronic or magnetic storage device, such as floppy  
24 diskettes, hard disks, backup tapes, CD-ROMs, optical discs, smart cards, or electronic  
25 notebooks, as well as printouts or readouts from any magnetic storage device).






1 The searching authority may use several different techniques to search electronic data  
2 for evidence or instrumentality's of crime. These include, but are not limited to the following:  
3 examining file directories and subdirectories for the lists of files they contain; "opening" or  
4 reading the pages of selected files to determine their contents; scanning for deleted or hidden  
5 data; searching for key word phrases ("string searches").

6 Based upon your affiant's knowledge, training, experience, and consulting with other  
7 detectives, your affiant knows that searching and seizing information from computers often  
8 requires officers to seize most or all electronic storage devices (along with related peripherals  
9 and auxiliary items) to be searched in a controlled environment. This is because of the  
10 following:

11 1. The volume of evidence. Computer storage devices (like hard disks, diskettes, tapes,  
12 and laser disks) can store the equivalent of thousands of pages of information.

13 Additionally, a suspect may try to conceal criminal evidence; he or she might store it  
14 in random order with deceptive file names. This may require searching authorities to  
15 examine all the stored data to determine which particular files are evidence or  
16 instrumentalities of crime. This sorting process can take weeks or months, depending  
17 on the volume of data stored, and it would be impractical to attempt this kind of data  
18 search on site.

19 2. Technical requirements. Searching computer systems for criminal evidence is a  
20 technical process requiring a properly controlled environment. The environment helps  
21 protect the integrity of the evidence and assists to recover even "hidden," erased,  
22 compressed, password-protected, or encrypted files. Since computer evidence is  
23 extremely vulnerable to inadvertent or intentional modification or destruction (both  
24 from external sources or from destructive code imbedded in the system as a "booby  
25 trap"), a controlled environment is essential to complete an accurate analysis.



1 3. Computer system reconstruction. The peripheral devices which allow users to enter or  
2 retrieve data from the storage devices vary widely in their compatibility with other  
3 hardware and software. Many system storage devices require particular input/output  
4 (or "I/O") devices in order to read the data on the system. It is important that the  
5 searching authorities be able to properly re-configure the system as it now operates in  
6 order to accurately retrieve the evidence listed above. In addition, the searching  
7 authorities needs the relevant system software (operating systems, interfaces, and  
8 hardware drivers) and any applications software which may have been used to create  
9 the data (whether stored on hard drives or on external media), as well as all related  
10 instruction manuals or other documentation and data security devices.

11 It your affiant's experience that hard drive examinations and searches cannot be completed  
12 within the ten days in which the Search Warrant must be served and the Search Warrant  
13 Return filed. It is requested that the 10-day requirement be waived to provide your affiant  
14 ample time to process and comply with the Search Warrant in a timely manner. The Search  
15 Warrant Return will be filed promptly upon completion of the computer system examination  
16 and search.

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1  
2 IN THE SUPERIOR COURT OF THE FRESNO JUDICIAL DISTRICT  
3 COUNTY OF FRESNO, STATE OF CALIFORNIA

4 )  
5 STATE OF CALIFORNIA )  
6 COUNTY OF FRESNO ) ss AFFIDAVIT  
7 )  
8 )  
9

10 **STATEMENT OF EXPERTISE**

11 Your affiant, Detective Sergio Toscano ID#0633, badge #90 has been a duly qualified  
12 peace officer with the Fresno County Sheriff's Office since January 14, 1985 (28 years).

13 Your affiant is currently assigned as a detective in the Homicide Unit of the Fresno County  
14 Sheriff's Office, Detective Bureau and has been since June of 2001. Your affiant's primary  
15 duties consist of investigating crimes against persons in Fresno County and the enforcement  
16 of crimes against person's laws, as expressed in the Penal Code of the State of California.

17 Your affiant has had criminal investigation training consisting of the following. In 1993,  
18 your affiant attended a forty-hour training course on basic criminal investigation conducted  
19 by the California Department of Justice, in Fresno. In 1994, your affiant attended a forty-  
20 hour training course on criminal interviews and interrogations conducted by the California  
21 Department of Justice, in Santa Rosa. In 1995, your affiant attended a twenty-four hour  
22 training course on search warrant investigations conducted by Gavilan College in Gilroy. In  
23 2001, your affiant attended an eighty-hour Homicide Death Investigation in Sacramento  
24 conducted by the State Department of Justice. In 2001, your affiant attended a forty-hour  
25 Officer-Involved Shooting school in Monterey, California conducted by the State

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1/13



1 Department of Justice.

2 Your affiant received a Bachelor of Science degree in criminology at  
3 Fresno State University in 1982. Your affiant is assigned as a Homicide Detective at the  
4 Fresno County Sheriff's Office Headquarters, 2200 Fresno St., Fresno, California.  
5 Your affiant has been a Homicide Detective since June 25, 2001 and a property crimes  
6 investigator from September of 1994 until June 25, 2001. Your affiant has investigated an  
7 excess of 800 thefts, property crimes and burglaries. During the aforementioned time period,  
8 your affiant worked and conferred with other property crimes detectives and homicide  
9 detectives regarding the investigations of property crimes and crimes against persons, and  
10 has drawn from their knowledge and expertise. Your affiant has co-authored/authored at  
11 least sixty two plus search warrants. Your affiant has assisted in the service of at least fifty  
12 (52) search warrants.

13  
14 **STATEMENT OF PROBABLE CAUSE**

15 On or about Tuesday December 11, 2012 the prosecution (Fresno Attorney General's  
16 Office) in Fresno County, State of California rested its case against defendant Spencer  
17 Scarber, DOB 7-4-82 for rape and other related offenses. The defendant was out on bail.  
18 The defendant planned to take the witness stand on Wednesday December 12, 2012 in his  
19 defense.

20 On Wednesday December 12, 2012 at about 5:00 a.m. the defendant's father, Kyle  
21 Scarber called 9-1-1 and reported Spencer Scarber missing from their home in Squaw  
22 Valley. Kyle said he looked out front of his residence and found Spencer's tennis shoe, a  
23 flashlight and some blood on the ground in front of their house at [REDACTED] in  
24 Squaw Valley. FSO Homicide detectives responded to Kyle and Spencer's residence to  
25 investigate the missing person.



1 Detective R. Grajeda and your affiant conducted a recorded interview with Kyle Scarber.  
2 Kyle said after Spencer's court on Tuesday December 11, 2012 about mid-afternoon Kyle  
3 and Spencer went to Spencer's knee doctor appointment located at Friant and Fresno Streets  
4 in Fresno. Kyle said after the doctor appointment they drove southbound Friant which  
5 turned into Blackstone Avenue. Kyle said they stopped at a store/gas station and bought  
6 some gas. Kyle said he didn't know the name of the gas station.

7 Kyle said after they got gas they drove southbound Freeway 41 to Manning and Hwy 99.  
8 Kyle said they stopped at a store and bought a couple small items to eat. Kyle said he and  
9 Spencer took the back way home to Squaw Valley. Kyle said he and Spencer spent time  
10 talking and they prepared for Spencer's testimony for Wednesday December 12, 2012.

11 Kyle said he and Spencer got home about 9:00 p.m. on Tuesday December 11, 2012.  
12 Kyle said between Tuesday December 11, 2012 at 9:00 p.m. and Wednesday December 12,  
13 2012 at 1:30 a.m. he (Kyle) and Spencer spent time to study and they prepared for Spencer's  
14 jury trial. Kyle said Spencer went to his bedroom. Kyle said the last time he saw Spencer  
15 was at about 1:30 a.m. the day he went missing.

16 Kyle said he slept on a chair in the living room. Kyle never heard or saw Spencer leave  
17 the house. Kyle got up about 4:30-5:00 a.m. went to make a pot of coffee and noticed  
18 Spencer's bedroom light on. Kyle checked and didn't see Spencer in his room. Kyle went  
19 outside to look for Spencer but couldn't find him. Kyle walked down his paved driveway  
20 toward [REDACTED]. Kyle found the gate open, pair of crutches, his CHP flashlight,  
21 one of Spencer's tennis shoe and blood. Kyle said after his discovery he called his CHP  
22 dispatch who forwarded him to FSO dispatch to report his son missing.

23 Kyle said his wife Gail, Gail's mother, and Kyle's step-daughter Crystal and daughter  
24 Stephanie left Fresno County on Tuesday night, December 11, 2012 after they discovered a  
25 threatening letter/note in his chain link fence in front of his house. Kyle said his family



1 feared for their safety so they left for the time being.

2 Kyle suspected a group of people/friends of Spencer's were responsible for Spencer's  
3 disappearance. The group of people had some involvement in the case that Spencer was on  
4 trial for. FSO detectives started investigating each person in the group. The investigation  
5 revealed each member in the aforementioned group had nothing to do with Spencer's  
6 disappearance.

7 The investigation revealed that Gail Scarber, Crystal Reynoso (Scarber) and Stephanie  
8 Walker (Scarber) left Fresno County on Tuesday December 11, 2012 and traveled to  
9 Oceanside, CA. Stephanie Walker was married to Cody Walker, a Marine. Stephanie and  
10 Cody live at [REDACTED], Oceanside, CA. Gail's mother, Sue Reynoso also  
11 traveled with Gail, Crystal, and Stephanie.

12 FSO detectives contacted Immigration Custom Enforcement agents and requested a check  
13 for Gail Scarber's vehicle (white 2000 Toyota Avalon) crossing the border into Mexico. ICE  
14 reported they photograph every license plate as it crosses the border. ICE was given the  
15 license plate to Gail Scarber's vehicle and they started checking their records.

16 ICE agents also checked to see if Spencer Scarber had a Passport. On December 12, 2012  
17 at about 5:00 p.m., ICE agents provided information that Spencer Scarber applied for a  
18 Passport in October of 2012. The request was expedited because Spencer Scarber said he  
19 was going on a two week cruise on November 6, 2012. The Passport was issued on October  
20 24, 2012. Spencer didn't go on a cruise on November 6, 2012 but that was the date set for  
21 the original rape trial. ICE confirmed that Spencer had not used the Passport, but added that  
22 when crossing into Mexico, Passports usually are not checked.

23 On December 13, 2012, ICE Agent Mike Prado #1028 said a vehicle with the license  
24 plate "4MFG862" drove over the United States/Mexico border at the San Isidro International  
25 crossing on Wednesday December 12, 2012 at 3:24 a.m. the day Spencer was to testify in



1 court. This vehicle license plate was registered to Sheldon Kyle Scarber or Gail L. Scarber  
2 of California Highway Patrol. There was no address listed on the registration. The license  
3 plate was for a 2000 Toyota. ICE Agents further reported that Crystal Reynoso (Scarber)  
4 and Gail Scarber used the pedestrian crossing at San Isidro International and crossed into the  
5 United States from Mexico on Wednesday December 12, 2012 at 4:44 a.m. This was the  
6 same day Spencer was to testify on his behalf. The Scarber family followed Spencer's trial  
7 up until Tuesday December 11, 2012 when the prosecution rested their case. Gail's and  
8 Crystal's passports were tracked when they utilized them at the border crossing.

9 On Thursday December 13, 2012, Spencer Scarber's jury trial continued without  
10 Spencer's present. On Friday December 14, 2012, the jury found Spencer Scarber guilty of  
11 five of the six counts. Spencer now faced up to 82 years to life in prison. There was a no  
12 bail bench warrant issued for Spencer Scarber, DOB 7-4-82 regarding the rape case and a  
13 \$500,000.00 bench warrant for a PC261.5 case. Spencer Scarber's whereabouts are  
14 unknown at this time.

15 On Friday December 14, 2012 Detective R. Grajeda and I drove to [REDACTED]  
16 [REDACTED] in Oceanside, CA. We arrived about 9:00 p.m. Our intent was to interview Stephanie  
17 Walker, Cody Walker, Crystal Reynoso and Gail Scarber about Spencer Scarber. We  
18 knocked at the front door and there was no answer. We checked with neighbors but met with  
19 negative results.

20 We returned to our vehicle and your affiant noticed a missed call. Your affiant listened to  
21 the voice mail. The caller identified herself as attorney Kim Hall. Kim Hall said she  
22 represented Kyle and Gail Scarber and in light of what was in the media about Spencer  
23 Scarber, Kyle and Gail were not providing any statements.

24 Your affiant authored a search warrant on December 18, 2012 it was signed by Fresno  
25 County Superior Court Judge David Gottlieb. The search warrant was for Kyle's and



1 Spencer's residence at [REDACTED], Squaw Valley, in Fresno County. The  
2 purpose of the search warrant was to search Spencer's home for evidence of his missing  
3 person investigation, evidence of possible violation of Penal Code 32 and evidence for  
4 Spencer's whereabouts.

5 The investigation revealed from cell phone records of the Scarber's family that the  
6 Scarber's traveled to southern California. The investigation also revealed from forensic  
7 examination of computers and media devices collected from the [REDACTED] that the  
8 Scarber's spent time searching Mexico and the Mexico border regarding what was checked  
9 or not checked when crossing the border.

10 The investigation has revealed that the Scarber family possibly assisted Spencer Scarber  
11 avoid trial and/or punishment for his rape conviction.

12 The Scarber family quit cooperating with your affiant's missing person investigation.  
13 The Scarber family gave notice to your affiant that they have each obtained an attorney and  
14 were not answering any questions or providing any information regarding the missing  
15 person, Spencer. Stephanie Walker's (Scarber) husband, Cody Walker also refused to talk to  
16 your affiant.

17 It is your affiant's experience of twelve-thirteen years when investigating missing person  
18 cases that the missing person's family always cooperated with Law Enforcement to help with  
19 finding their family member.

20 On Friday February 15, 2013 at about 1:00 a.m. Detective D. Davis and your affiant were  
21 called out to follow up with information FSO received about Spencer Scarber's whereabouts.  
22 Your affiant made contact with a confidential witness (CW) about Gail Scarber. CW said Gail  
23 Scarber reported that Spencer Scarber was detained in Acapulco, Mexico pending a positive  
24 identification. CW was in contact with Gail. CW said Gail was paranoid and worried for  
25 Spencer. Gail needed to go to Mexico to deliver a form of identification for Spencer to prove



1 who he was. Gail wanted CW to go to Mexico with her today (2-15-13) but CW didn't want  
2 to get involved. CW got worried for CW's safety and the safety of CW's family. CW called  
3 Law Enforcement for help.

4 Gail didn't give CW any details of how Spencer got to Mexico except to say he was in  
5 Mexico. Gail wanted to rent a car to travel to southern California and possibly to Mexico.  
6 Gail wanted to leave her vehicle at the CW's residence but she wasn't allowed too.  
7 CW reported Gail called her husband, Assistant CHP Chief Kyle Scarber and daughter Crystal  
8 Reynoso but didn't know if they conversed or not.

9 FSO detectives started surveillance on Gail Scarber. Gail rented a black Toyota Corolla,  
10 license number 6VOG253 from Enterprise Rent a Car at Bullard and Blackstone Avenues.  
11 Gail was/is currently under surveillance by Law Enforcement. Surveillance units watched  
12 Gail enter a Target store at Bullard and Blackstone Avenues in Fresno. FSO Det. D. Isaac  
13 checked with Target and found out Gail bought two International pre-paid cell phones (Go  
14 phones). There was video footage and a purchase receipt of the aforementioned transaction.

15 The surveillance on Gail Scarber revealed she picked up Crystal Reynoso at Walgreens  
16 located at Shaw and Fowler Avenues in Clovis.

17 A few minutes later Gail went back to the CW's house. The CW believed Gail and Crystal  
18 were headed to southern California. CW couldn't hear very well because Gail and Crystal  
19 whispered. What CW overheard was whether they should pay or give money to the  
20 authorities. I assumed they meant the Mexican authorities. CW said Gail and Crystal used  
21 one of the new pre-paid phones Gail bought. CW overheard that maybe they should call Kyle  
22 Scarber so he could make the decision about paying the Mexican authorities. Before I hung  
23 up with CW, CW reminded me to remember the name of "Brandon Smith." I asked CW to  
24 repeat what he said. CW said to remember the name "Brandon Smith." I remembered that we  
25 seized paperwork/information from Kyle Scarber's vehicle and his residence on 12-12-12 and

1 on 12-19-12 regarding the name of Brandon Smith. The investigation revealed that Spencer  
2 Scarber or his family tried to create a false identification for Spencer Scarber.

3 At about 3:00 p.m. your affiant found out that Spencer Scarber was positively identified  
4 and in custody in Acapulco Mexico. Spencer's current photographs with his tattoos were sent  
5 from Mexico to Fresno County Law Enforcement. Spencer had been arrested last night about  
6 7:00 p.m. Your affiant learned that Gail Scarber called US immigration to inquire about  
7 Spencer's status and procedure for his release from Mexico.

8 Shortly after 3:00 p.m. I learned out that Gail Scarber dropped off Crystal Reynoso and  
9 then headed toward the direction of Squaw Valley, possibly to her home at [REDACTED]

10 [REDACTED]  
11 At about 3:45 p.m. Gail went to unknown locations on [REDACTED] near  
12 her home. We do not have the exact addresses or what her reasons for going to the locations  
13 at this time.

14 By obtaining the aforementioned items it will be used to further the investigation for  
15 violation of Penal Code 32. The investigation is ongoing.

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